

REMARKS

The office action of March 23, 2006, has been carefully considered.

It is noted that claims 1-13 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-3, 6, 7 and 10-13 are rejected under 35 U.S.C. 103(a) over the patent to Clarke in view of the patent to Hansen.

Claim 8 is rejected under 35 U.S.C. 103(a) over Clarke in view of Hansen, and further in view of the patent to Swenson et al.

Claim 4 is rejected under 35 U.S.C. 103(a) over Clarke in view of Hansen, and further in view of the patent to Makarevitz.

Claim 5 is rejected under 35 U.S.C. 103(a) over Clarke in view of Hansen and Makarevitz, and further in view of the patent to S. Lowen.

Claim 9 is rejected under 35 U.S.C. 103(a) over Clarke in

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view of Hansen, and further in view of the patent to Ackeret.

In view of the Examiner's rejections of the claims, applicant has amended claims 1-10, 12 and 13, and added new claim 14.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness cited by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1-13 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Clarke, it can be seen that this patent discloses a dispensing container.

The patent to Hansen discloses a dispenser for pills or tablets.

The Examiner combined these references in determining that claims 1-3, 6, 7 and 10-13 would be unpatentable over such a combination. Applicant respectfully submits that the combination of references does not teach or suggest the presently claimed invention. The present claims define a tablet dispenser wherein:

- a) the chase barrier has a nose-shaped design with a wider back which protrudes in steps at the dispensing side and which is arranged such that its lateral distance to the side wall of the housing top part located at the dispensing side is larger than the diameter of the tablets, and that to the side wall of the housing bottom part located at the dispensing side is smaller than the diameter of the tablets,
- b) a dead storage barrier is arranged in the interior of the housing on the housing bottom part in a housing corner opposite the dispensing opening,
- c) the dead storage barrier and the chase barrier in the interior of the housing are designed and arranged to be displaceable relative to each other such that they act together as dosing elements and with each displacement travel of the housing halves only one tablet at a time reaches a dispensing

area of the dispensing opening. Each of the elements a)-c) will be addressed below.

According to section a) of claim 1, in the present invention the chase barrier has a wider back that protrudes in steps. This barrier is constructed and arranged so that only one tablet can gain access to the outlet opening, in that the distance of the back from the dispensing side wall of the housing top part is large enough to accomplish this (in the region of the outlet opening there is no side wall of the housing bottom part present). By sliding the housing top part and simultaneously sliding the chase barrier the following next subsequent tablet is pushed back from the outlet opening since the distance of the back to the dispensing side wall of the housing bottom part is smaller than the diameter of the tablets. Due to this pushing back of the tablet, a loosening and an avoidance of bridging of the tablets takes place.

In contrast, the dispenser of Clarke has a web shaped barrier 16 that slides in a knife-like fashion between the tablet being dispensed and the next subsequent tablet. A pushing back of following tablets is not possible with the barrier 16, at most a tablet that is only partially introduced into the outlet box

formed by the barriers 8 and 9 can be destroyed.

According to section b) of claim 1, in the present invention a dead storage barrier is arranged in the interior of the dispenser housing on the housing bottom part in the housing corner opposite the dispensing opening. Clarke and Hansen do not teach a dead storage barrier as in the present invention. The element 23 cited by the Examiner is not a dead storage barrier. Instead it is an advertising circular. In any event, the compartment 12 that is separated from the tablet space by the barriers 7, 8 over the entire width of the dispenser, is actually an extension of the interior space of the dispenser whereby when the dispenser is closed both parts of the housing lie directly over one another. The references do not teach a dead storage barrier as in the presently claimed invention.

According to section c) of claim 1, in the present invention the dead storage barrier and the chase barrier in the interior of the housing are designed and arranged to be displaceable relative to each other so that they act together as dosing elements, whereby a sliding of the housing parts not only leads to dispensing a single tablet, but also a return sliding of the parts results in a loosening of the remaining tablets. The

references do not teach such a feature.

Thus, it is respectfully submitted that the combination of references relied upon by the Examiner does not teach or suggest a tablet dispenser having the unique combination of features recited in the claims presently on file and discussed above.

In view of these considerations it is respectfully submitted that the rejection of claims 1-3, 6, 7 and 10-13 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

As for the other references which were cited in combination with Clarke and Hansen in rejecting claims 4, 5, 8 and 9, these references have also been considered. Applicant submits that none of these references add anything to the teachings of Clarke and Hansen so as to suggest the present invention as discussed above.

In view of these considerations it is respectfully submitted that the rejections of claims 4, 5, 8 and 9 under 35 U.S.C. 103(a) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are

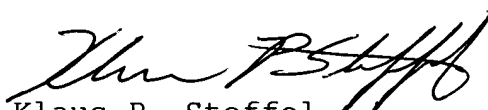
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respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on July 24, 2006.

By:


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Date: July 24, 2006